

REMARKS

Claims 1-10, 15-27, and 32-38 were presented for examination and were pending in this application. In an Official Action dated November 26, 2004, claims 1-10, 15-27 and 32-38 were rejected. Applicants thank Examiner for examination of the claims pending in this application and address Examiner's comments below.

Examiner rejected the pending claims under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,631,356 ("Van Horn"). As noted by Examiner, Van Horn shares a common inventor with the instant application. As such, the reference can be overcome by a showing under 37 CFR § 1.132 that the common inventor conceived or invented the subject matter disclosed in the patent or published application. (MPEP § 716.10)

As detailed in the Declaration of Fact by Thomas van Horn under 37 C.F.R. § 1.132 ("Declaration of Fact") submitted herewith, common inventor Thomas Van Horn conceived of the subject matter disclosed in the '356 patent in his capacity as primary architect on the invention. Applicants' representatives discussed the use of a § 1.132 affidavit with Examiner's Supervisor, Wynn Coggins, on January 6, 2005. The Declaration of Fact was prepared according to her recommendation.

On this basis, Applicants respectfully request that Examiner withdraw the outstanding rejection of the pending claims on the basis of Van Horn. Applicants accordingly assert that the claims are patentable over the cited references and therefore request allowance. In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
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Date: 2/25/05

By: Claraj

Case 6085 (Amendment B)
U.S. Serial No. 09/686,778

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